



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET  
ATLANTA, GEORGIA 30365

JUN 23 1989

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Mr. Russell V. Randle  
Patton, Boggs & Blow  
2550 M. Street, N.W.  
Washington, D.C. 20037-1350

**YELLOW**

Re: Carrier Air Conditioning  
Collierville, Tennessee

Dear Mr. Randle:

This letter follows our telephone conversation of June 12, 1989 regarding the above-referenced Site. As I told you on the phone, Region IV has decided to address the releases of hazardous substances at the Site under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

The Region considered Carrier's proposal that the Site be remediated under the Resource Conservation and Recovery Act (RCRA) or the Safe Drinking Water Act. The Region continues to believe, however, that CERCLA provides the Agency the most complete authority to insure all sources of contamination at the Site are investigated and remediated.

EPA would like to work cooperatively with Carrier in this case. Regional personnel are willing to sit down and discuss with Carrier the parameters of investigation which are necessary for this Site and how the work already performed by Carrier fits into that investigation. Such discussions are properly entered into, however, after Carrier has made a commitment to EPA, by means of an order, that it is willing to carry out the investigation at the Site.

The company's request for a technical response from the Agency critiquing the data already generated asks, in effect, that the Agency begin the RI/FS. Such a technical response would be a draft work plan, setting out the questions which need to be answered about contamination at the Site and proposing how existing information can be used to answer those questions. The Region will not undertake RI/FS activities in the absence of an order, either unilateral or on consent.



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Re: Carrier Air Conditioning  
Collierville, Tennessee

In our conversation yesterday, you expressed concern that Carrier would have to repeat work already done simply to fit into the bureaucracy generated by CERCLA. The CERCLA RI/FS guidance, however, simply acts as a format for the presentation of information sufficient to support an informed risk management decision regarding the appropriate remedial action for the site. To the extent that Carrier's information meets EPA quality assurance guidelines (a requirement which applies to all Agency programs) and the company shows that the data responds to the required issues, that data may be used to answer the questions necessary to complete the RI/FS. Likewise, however, it may well be necessary to collect additional data to adequately respond to these issues. It should not be a great burden to structure the information to fit the format. In fact, it is by following that format that the company can substantiate its claim that only limited additional testing should be required.

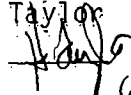
I have enclosed a draft consent order for Carrier's review. While this is a draft, and is subject to modification, EPA does not intend to alter the basic format of the CERCLA RI/FS process. Please indicate within 10 days of receipt of this letter whether Carrier intends to negotiate a consent order with the Agency. If Carrier notifies EPA that the company wants to negotiate such an order, EPA will participate in such negotiations for 30 days following such notice. If Carrier fails or refuses to notify EPA of its intentions within 10 days or to complete negotiations within 30 days thereafter, the Agency will proceed with a unilateral order for the work needed at this Site.

Please give me a call if you wish to discuss this letter or the enclosed draft order.

Sincerely yours,

  
Carol F. Baschon  
Assistant Regional Counsel

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